

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BRETT BOND,)	CASE NO. 4:10CV3173
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
UNION PACIFIC RAILROAD,)	
)	
Defendant.)	

This matter is before the court on its own motion. On August 27, 2010, Plaintiff filed his Complaint without submitting an application to proceed in forma pauperis or a filing fee. (Filing No. [1](#).) On September 1, 2010, the court directed Plaintiff to either submit a signed application to proceed in forma pauperis, or pay the \$350.00 filing fee, on or before October 1, 2010. (Filing No. [3](#).) Plaintiff paid the \$350.00 filing fee on September 22, 2010, but he never completed service of process. (See Docket Sheet.)

On March 10, 2011, the court directed Plaintiff to show cause for his failure to serve Defendant. (Filing No. [6](#).) In doing so, the court warned Plaintiff that if he failed to show good cause by April 9, 2011, this action would be dismissed without prejudice and without further notice. (*Id.*) On March 15, 2011, Plaintiff submitted a Supplement. (Filing No. [7](#).) This Supplement includes a 1985 Central Nebraska Support Service Program form that was used to evaluate whether Plaintiff was eligible to continue special education services when he was 16. (*Id.* at CM/ECF pp. 1-2.) The form indicates that although Plaintiff was “not performing significantly below his cognitive ability,” he had a “learning disability,” and that continued placement in the “Resource Room Program” was recommended. (*Id.* at CM/ECF p. 2) The Supplement also includes medical records from Saint Francis Hospital

in Grand Island, Nebraska, dated “2-26-69.” (Id. at CM/ECF pp. 3-4.) These records show that Plaintiff was treated for a “fever” and a “cold.” (Id.)

The court has carefully reviewed Plaintiff’s Supplement. The 26-year-old school evaluation form indicating that Plaintiff had a “learning disability” in school and the medical records showing that Plaintiff was treated for a fever and a cold in 1969 do not explain why Plaintiff failed to serve Defendant. Indeed, Plaintiff does not state that a current disability prevented him from serving Defendant, nor does he attempt to explain how the Supplement relates to his case. In short, Plaintiff has failed to show good cause for his failure to serve Defendant and this matter will be dismissed.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with the court’s orders; and
2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 18th day of April, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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